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U.S. DISTRICT COURT E.D.N.Y.

NB: CCC

JAN 26 2012

12-0089M

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

- - - - - X

UNITED STATES OF AMERICA

- against -

PEDRO PORTILLO-MENDOZA,
also known as
"Pedro Mendoza Romero,"

C O M P L A I N T

(T. 8, U.S.C., ss 1326(a)
and 1326(b) (2)

Defendant.

- - - - - X

EASTERN DISTRICT OF NEW YORK, SS:

FABIO ARROYAVE, being duly sworn, deposes and states
that he is a Deportation Officer with Immigration and Customs
Enforcement ("ICE"), duly appointed according to law and acting
as such.

On or about December 16, 2011, within the Eastern
District of New York and elsewhere, the defendant PEDRO PORTILLO-
MENDOZA, also known as "Pedro Mendoza Romero," being an alien who
had previously been arrested and convicted of an aggravated
felony, to wit: Attempted Rape in the Second Degree, in violation
of New York State Penal Law Section 130.30 subsection 01, and was
thereafter excluded and deported from the United States and who
had not made a re-application for admission to the United States
to which the Secretary of the Department of Homeland Security,

successor to the Attorney General of the United States, had expressly consented, was found in the United States.

(Title 8, United States Code, Section 1326(b)(2)).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

1. I am a Deportation Officer with ICE, and I have been involved in the investigation of numerous cases involving the illegal re-entry of aliens. I am familiar with the facts and circumstances set forth below from my participation in the investigation, my review of the investigative file, including the defendant's criminal history record, and from reports of other law enforcement officers involved in the investigation.

2. On or about December 16, 2011, the defendant PEDRO PORTILLO-MENDOZA, also known as "Pedro Mendoza Romero," was arrested by the Nassau County Police Department ("NCPD") in North Hempstead, New York. The defendant was arrested for Criminal Possession of a Weapon in the Third Degree and Resisting Arrest, in violation of New York State Penal Law Sections 265.02 subsection 01 and 205.30, respectively.

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

3. Subsequent to the arrest, the NCPD ran a criminal history report and found that the defendant, a citizen of Honduras, had been previously removed from the United States.

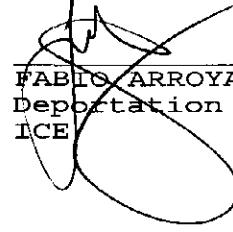
4. ICE was then notified, and ICE officials determined that, on or about May 27, 2004, the defendant PEDRO PORTILLO-MENDOZA, also known as "Pedro Mendoza Romero," had been convicted of Attempted Rape in the Second Degree, in violation of New York State Penal Law Section 130.30 subsection 01, which is an aggravated felony offense.

5. ICE officials also determined that, on or about January 8, 2005, the defendant PEDRO PORTILLO-MENDOZA, also known as "Pedro Mendoza Romero," had been removed from the United States to his home country of Honduras.

6. An ICE official with fingerprint analysis training compared the fingerprints taken in connection with the defendant's December 16, 2011 arrest with the defendant's arrest underlying his May 27, 2004 conviction and the fingerprints in his ICE file and determined they were made by the same individual.

7. A preliminary search of the ICE files has revealed that there exists no request by the defendant for permission from either the United States Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States after deportation.

WHEREFORE, your deponent respectfully requests that the defendant PEDRO PORTILLO-MENDOZA, also known as "Pedro Mendoza Romero," be dealt with according to law.


FABIO ARROYAVE
Deportation Officer
ICE

Sworn to before me this
26 day of January, 2012

UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK